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BENNY NIETO

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

BENNY NIETO, an individual,

Plaintiff,

vs.

PERFORMANCE FOOD GROUP, INC.;
KENNETH O. LESTER COMPANY, INC. and
DOES 1 through 50, inclusive,

Defendants.

CASE NO. 1:20-cv-01408-DAD-JLT

**[PROPOSED] ORDER PERMITTING
PLAINTIFF TO SERVE AND FILE FIRST
AMENDED COMPLAINT**

(Doc. 7)

[PROPOSED] ORDER

Based on the Stipulation between Plaintiff Benny Nieto (“Plaintiff”) and Defendants Performance Food Group, Inc. and Kenneth O. Lester Company, Inc. (“Defendants”) Permitting Plaintiff to Serve and File First Amended Complaint (“FAC”), and for good cause appearing,

IT IS HEREBY ORDERED that:


(1) Plaintiff shall be permitted to serve and file a FAC within twenty-one (21) days of the Court’s entry of this Order;

(2) Defendants shall be permitted to respond to Plaintiff’s FAC, by serving and filing an answer or otherwise serving and filing any motions or other pleadings responsive to the FAC, within twenty-one (21) days of the service and filing of the FAC; and

(3) By entering into their Stipulation, Plaintiffs and Defendants shall not waive and expressly reserve all claims, defenses and challenges in this action, including, without limitation, challenges to the FAC.

IT IS SO ORDERED.

Dated: November 5, 2020



JENNIFER L. THURSTON
U.S. MAGISTRATE JUDGE